

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 12, 2007

The Marlboro Township Council held its regularly scheduled meeting on July 12, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal and Councilwoman Tragni.
(Absent: Cantor)

Also present were: Mayor Robert Kleinberg, Jennifer Schwartz, Esq., Megann Anderson, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilwoman Tragni moved that the minutes of June 14, 2007, be approved. This motion was seconded by Councilman Pernice and the minutes were passed on a roll call vote of 3 - 0 in favor (Absent: Cantor), with Councilwoman Morelli abstaining.

Councilwoman Morelli moved that the minutes of June 28, 2007, be approved. This motion was seconded by Councilman Pernice and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2007-14 (Zone Change - B. 115, Lots 25 & 26 - Pursuant to Settlement Agreement). After the Public Hearing was held and closed, the following Resolution # 2007-234/Ord. # 2007-14 (Zone Change - B. 115, Lots 25 & 26 - Pursuant to Settlement Agreement) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-234

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-14

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO CHANGE THE ZONING OF LOTS 25 and 26 IN BLOCK 115 FROM R-60 TO R-20 RESIDENTIAL DISTRICT AND TO ALLOW FOR THE DEVELOPMENT OF FOUR SINGLE FAMILY RESIDENCE LOTS

which was introduced on June 14, 2007, public hearing held July 12, 2007, be adopted on second and final reading this 12th day of July, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2007-15 (Amend Chapter 147 - Wreckers Ordinance). After the Public Hearing was held and closed, there was a brief discussion between Mayor, Business Administrator Judith Tiernan and Council members. After discussion, Councilwoman Traghi motioned to table this Ordinance to the August 2nd Council meeting. This was seconded by Councilwoman Morelli and passed on a roll call vote of 4- 0 in favor of tabling (Absent: Cantor).

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2007-16 (MCIA). As there was no one who wished to speak, the Public Hearing was closed. The following

Resolution Res. # 2007-236/Ord. # 2007-16 (MCIA) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-236

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-16

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (MARLBORO PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

which was introduced on June 28, 2007, public hearing held July 12, 2007, be adopted on second and final reading this 12th day of July, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2007-16

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (MARLBORO PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Marlboro Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Marlboro Project)" (the "Bond Resolution") to be adopted in a form approved

by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$575,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the

purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2007-17 (Amend Bulk Drop-off Fees). After the Public Hearing was held and closed, consensus of Council was to add the language, "to drop off bulk items" in the recycling center section. Jennifer Schwartz, Esq. stated the change was not substantial and was simply a clarification. The following Resolution Res. # 2007-237/Ord. # 2007-17 introduced by reference as amended, offered by Councilman Pernice, seconded by Councilwoman Tragni and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-237

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-17 (AS AMENDED)

AN ORDINANCE AMENDING CHAPTER 62, "FEES" AND CHAPTER 72, "SOLID WASTE SERVICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on June 28, 2007, public hearing held July 12, 2007, be adopted on second and final reading this 12th day of July, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2007-242 (Bond Release - Home Depot) was introduced by reference, offered by Councilwoman Tragni, and seconded by Councilman Pernice. After discussion, the resolution was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-242

A RESOLUTION AUTHORIZING THE RELEASE OF THE
PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE
IMPROVEMENTS FOR THE HOME DEPOT SITE PLAN,
BLOCK 269, LOT 4.01, 280 ROUTE 9 NORTH

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for the Home Depot site plan, Block 269, Lot 4.01; 280 Route 9 North (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 28, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township for the Project conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$67,500.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County

of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$485,000.00 and current amount of \$485,000.00 and the Cash Bond in the original amount of \$54,000.00 and current amount of \$54,000.00 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$67,500.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Home Depot, U.S.A.
- b. Safeco Insurance Company of America
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-215 (Tabled 6/28 - Bond Reduction Triangle Business Park) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman Pernice. After discussion, the resolution was then passed on a roll call vote of 3 - 1 in favor, with Councilwoman Morelli voting no (Absent: Cantor).

RESOLUTION # 2007-215

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BONDS AND CASH BONDS FOR TRIANGLE BUSINESS PARK, SECTIONS ONE, TWO, THREE AND FOUR, NON-RESIDENTIAL SITE PLAN BLOCK 178, LOTS 293-294, AMBOY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the reduction of the Performance Bonds and Cash Bonds being held by the Township for Triangle Business Park, Sections 1, 2, 3 and 4, non-residential site plan, Block 178, Lots 293-294, Amboy Road; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed four (4) reports from the Township Engineer which are all dated May 29, 2007 (the "Engineer's Reports"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Reports for Sections 1, 2, 3 and 4 each recommend a partial reduction in the current Performance Bonds and Cash Bonds being held by the Township, subject to the payment of all fees required by the Developer's Agreements; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bonds and Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Triangle Business Park, Section 1 shall be reduced as follows:

The Performance Bond in the original amount of \$645,695.71, shall be reduced by \$193,164.22, so that the amount to remain shall be \$452,531.49; and

The Cash Bond in the original amount of \$71,743.97, shall be reduced by \$21,462.69, so that the amount to remain shall be \$50,281.28; and

BE IT FURTHER RESOLVED, that the above reductions for Triangle Business Park, Section 1 shall be subject to the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that the Performance Bond and Cash Bond for Triangle Business Park, Section 2 shall be reduced as follows:

The Performance Bond in the original amount of \$351,404.35, shall be reduced by \$98,930.75, so that the amount to remain shall be \$252,473.60; and

The Cash Bond in the original amount of \$39,044.93, shall be reduced by \$10,992.31, so that the amount to remain shall be \$28,052.62; and

BE IT FURTHER RESOLVED, that the above reductions for Triangle Business Park, Section 2 shall be subject to the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that the Performance Bond and Cash Bond for Triangle Business Park, Section 3 shall be reduced as follows:

The Performance Bond in the original amount of \$347,352.41, shall be reduced by \$101,501.37, so that the amount to remain shall be \$245,851.04; and

The Cash Bond in the original amount of \$38,594.71, shall be reduced by \$11,277.93, so that the amount to remain shall be \$27,316.78; and

BE IT FURTHER RESOLVED, that the above reductions for Triangle Business Park, Section 3 shall be subject to the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that the Performance Bond and Cash Bond for Triangle Business Park, Section 4 shall be reduced as follows:

The Performance Bond in the original amount of \$274,759.29, shall be reduced by \$72,146.05, so that the amount to remain shall be \$202,613.24; and

The Cash Bond in the original amount of \$30,528.81, shall be reduced by \$8,016.23, so that the amount to remain shall be \$22,512.58; and

BE IT FURTHER RESOLVED, that the above reductions for Triangle Business Park, Section 4 shall be subject to the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Triangle Business Park, LLC/ TBP Holdings, LLC
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-238 (Extend Grace Period for Payment of Property Taxes) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-238

WHEREAS, due to a delay by the State in determining the amount of aid provided to the Township of Marlboro for this fiscal year, property tax bills for the upcoming year are being mailed later than usual,

WHEREAS, New Jersey State Statute provides for a minimum of twenty-five (25) days between the date of mailing and the property tax bill due date,

NOW THEREFORE, the governing Body of the Township of Marlboro hereby authorizes the extension of the grace period from August 10th to August 17th, 2007. Interest calculated on payments received after August 17th will revert back to the date of August 1st.

The following Res. # 2007-239 (Award of Bid - Hobart/Willis Street) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-239

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR THE PERFORMANCE OF CERTAIN ROADWAY AND DRAINAGE
IMPROVEMENTS TO HOBART STREET/WILLIS STREET

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of certain roadway

and drainage improvements to Hobart Street/Willis Street;
and

WHEREAS, the Township received seven (7) bids from
the following vendors in the following amounts:

- A. Earle Asphalt Company
P.O. Drawer 556
Farmingdale, NJ 07727
Base Bid: \$153,513.13
Alternate A Bid: \$20,513.13; and
- B. A. Montone Construction, Inc.
88 Stillwell Road
Holmdel, NJ 07733
Base Bid: \$179,482.50
Alternate A Bid: \$15,021.00; and
- C. DeFino Contracting Company
28 Industrial Drive
Cliffwood Beach, NJ 07735
Base Bid: \$181,191.00
Alternate A Bid: \$31,355.00; and
- D. Fiore Paving Co.
4 Fiore Court
Oceanport, NJ 07757
Base Bid: \$189,819.51
Alternate A Bid: \$33,900.00; and
- E. Lucas Construction Group, Inc.
1696 Englishtown Road
Old Bridge, NJ 08857
Base Bid: \$196,279.00
Alternate A Bid: \$25,675.00; and
- F. Mecor, Inc.
P.O. Box 536
Clarksburg, NJ 08510
Base Bid: \$223,276.00
Alternate A Bid: \$36,740.00; and
- G. Star of the Sea Concrete Corp
448 Marlboro Road
Old Bridge, NJ 08857
Base Bid: \$229,835.50
Alternate A Bid: \$28,992.50; and

WHEREAS, the Administration, the Township Engineer
and the Township Attorney have reviewed the bids and

recommend that the contract be awarded Earle Asphalt Company as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Earle Asphalt Company, for the performance of certain roadway and drainage improvements to Hobart Street/Willis Street.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the performance of certain roadway and drainage improvements to Hobart Street/Willis Street be and hereby is awarded to Earle Asphalt Company, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Earle Asphalt Company in an amount not to exceed \$174,026.26, and in accordance with the bid proposal submitted by Earle Asphalt Company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-904-929 (\$4,089.67), X-04-55-929-929 (\$102,685.29), X-04-55-943-905 (\$67,251.30); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Earle Asphalt Company
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-240 (Award of Bid - Igoe Road) was introduced by reference, offered by Councilwoman Morelli, and seconded by Councilwoman Tragni and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-240

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PERFORMANCE OF CERTAIN IMPROVEMENTS TO IGOE ROAD

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of certain improvements to Igoe Road; and

WHEREAS, the Township received ten (10) bids from the following vendors in the following amounts:

- A. Jads Construction Co.
P.O. Box 513
South River, NJ 08882
\$89,200.00; and
- B. F & P Contractors, Inc.
659 Washington Avenue
South Amboy, NJ 08879
\$111,520.00; and
- C. Montone Construction, Inc.
88 Stillwell Road
Holmdel, NJ 07733
\$116,392.00; and
- D. Roc Z Industries
1700 Beacon Street
Toms River, NJ 08757
\$124,614.10; and
- E. Al Neto Contractors, Inc.
1004 Severin Drive
Bridgewater, NJ 08807
\$129,850.00; and
- F. Earle Asphalt Company
P.O. Drawer 556
Farmingdale, NJ 07727
\$136,513.13; and
- G. Star of the Sea Concrete Corp
448 Marlboro Road
Old Bridge, NJ 08857
\$137,141.00; and
- H. Lucas Construction Group, Inc.
1696 Englishtown Road
Old Bridge, NJ 08857
\$141,650.00; and

- I. DeFino Contracting Company
28 Industrial Drive
Cliffwood Beach, NJ 07735
\$148,150.00; and
- J. JAK Construction Corp
35 Beaverson Blvd., Ste 9A
Brick, NJ 08723
\$197,330.00; and

WHEREAS, the Administration, the Township Engineer and the Township Attorney have reviewed the bids and recommend that the contract be awarded to Jads Construction Co. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Jads Construction Co., for the performance of certain improvements to Igoe Road.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the performance of certain improvements to Igoe Road be and hereby is awarded to Jads Construction Co., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Jads Construction Co. in an amount not to exceed \$89,200.00, and in accordance with the bid proposal submitted by Jads Construction Co.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-949-803 (\$32,500.00), X-04-55-959-936 (\$52,500.00), X-04-55-962-906 (\$4,200.00); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Jads Construction Co.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-241 (Award of Bid - Woodcliff Park) was introduced by reference, offered by Councilman Pernice, and seconded by Councilwoman Morelli, and was then passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-241

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR THE PERFORMANCE OF CERTAIN
RENOVATIONS TO WOODCLIFF PARK

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of certain renovations to Woodcliff Park; and

WHEREAS, the Township received four (4) bids from the following vendors in the following amounts:

- A. Whirl Construction
187 Main Street
Port Monmouth, NJ 07758
\$58,244.00; and
- B. A. Montone Construction, Inc.
88 Stillwell Road
Holmdel, NJ 07733
\$68,275.00; and
- C. A & H Contracting, Inc.
33 Eastwood Blvd.
Manalapan, NJ 07726
\$77,216.00; and
- D. Lucas Construction Group, Inc.
1696 Englishtown Road
Old Bridge, NJ 08857
\$126,860.00; and

WHEREAS, the Administration and the Township Attorney have reviewed the bids and recommend that the contract be awarded to Whirl Construction as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Whirl Construction, for the performance of certain renovations at Woodcliff Park.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the performance of certain renovations at Woodcliff Park be and hereby is awarded to Whirl Construction, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Whirl Construction in an amount not to exceed \$58,082.00, and in accordance with the bid proposal submitted by Whirl Construction; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number G07-41-302-399; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Whirl Construction
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2007-243 (Redemption Tax Sale Cert. B. 169, L. 11, Res. #2007-244 (Refund for Overpayment B. 299, L. 1X, Res. #2007-245 (Raffle License Community YMCA - On Premise 50/50), Res. #2007-246 (Raffle License Mustang Parents - Off Premise 50/50), Res. #2007-247 (Raffle License St. Benedict - On Premise Merchandise), Res. #2007-248 (Raffle License St. Benedict - On Premise 50/50) and Res. #2007-249 (Authorizing CFO to close NJ Sales Tax Account).

RESOLUTION # 2007-243

WHEREAS, Tax Sale Certificate #07-15 for Block 169 Lot 11, assessed to Salvatore, Julia & G. Mauro, located at 321 Route 79, has been redeemed in the amount of \$10,458.06,

WHEREAS, the holder of the above-mentioned tax sale certificate, Plymouth Park Tax Services, is entitled to the amount of the sale plus interest and costs totaling \$10,458.06,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$10,458.06 be refunded to the holder of said certificate as above.

RESOLUTION # 2007-244

WHEREAS, property taxes for Block 299 Lot 1, assessed to Exclusive Plaza LLC, located on Route 9, were overbilled for 2006 in the amount of \$4,671.18,

WHEREAS, this overbilling was due to a Vital Computer error, and

WHEREAS, the 2006 taxes were paid in full based on the overbilled amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$4,671.18 to Exclusive Plaza, LLC.

RESOLUTION # 2007-245

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 10-07 (On Premise 50/50) be and it is hereby granted to The Community YMCA, 113 Tindall Road, Middletown, N.J. 07748.

BE IT FURTHER RESOLVED that said Raffle will be held on August 6, 2007 from 10AM - 6 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2007-246

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-07

(Off Premise 50/50) be and it is hereby granted to the Mustang Parents Football Club, 95 N. Main Street, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on November 3, 2007 at 2 PM at Marlboro High School, 95 N. Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2007-247

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-07 (On Premise Merchandise) be and it is hereby granted to St. Benedict Catholic Church, 165 Bethany Road, Holmdel, N.J. 07733.

BE IT FURTHER RESOLVED that said Raffle will be held on September 24, 2007 from 7:30AM - 5 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2007-248

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-07 (On Premise 50/50) be and it is hereby granted to St. Benedict Catholic Church, 165 Bethany Road, Holmdel, N.J. 07733.

BE IT FURTHER RESOLVED that said Raffle will be held on September 24, 2007 from 7:30AM - 5 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2007-249

WHEREAS, the Township of Marlboro maintains a bank account entitled "New Jersey Sales Tax", account #2000030032279 at Wachovia Bank, and

WHEREAS, Governor John Corzine recently signed legislation into law which once again exempts local governments from collecting or remitting New Jersey Sales Tax, and

WHEREAS, the Township of Marlboro has collected and submitted all the required sales tax for the period up to June 30, 2007,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby authorizes the Chief financial Officer to make the appropriate interest transfer to the Current Fund and close this bank account.

At 9:45PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: August 2, 2007

OFFERED BY: Pernice

AYES: 3

SECONDED BY: Rosenthal

NAYS: 0

ABSENT: Morelli

ABSTAIN: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL VICE PRESIDENT